

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

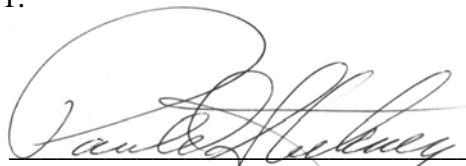
DARREN L. REAGAN,	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 3:11-CV-00004-M-BF
	)	
P. KAY PETERSON, Special Agent,	)	
FEDERAL BUREAU OF	)	
INVESTIGATION, ALAN HAMPTON,	)	
Special Agent, Internal Revenue Service -	)	
Criminal Investigation, and OTHER	)	
UNKNOWN NAMED AGENTS OF THE	)	
FBI,	)	
Defendants.	)	

**FINDINGS AND RECOMMENDATION**

Plaintiff filed a May 24, 2011 Motion for Recusal ("Motion," doc. 23") seeking recusal of, inter alia, the District Judge and the United States Magistrate Judge assigned to this case. Plaintiff's unverified motion claims only that the judges will be fact witnesses in this case. Plaintiff's motion clearly insufficient as a matter of law because judges are not required to testify to judicial acts, and accordingly, they are not required to recuse themselves. 28 U.S.C. §466. *See United States v. Diana*, 605 F.2d 1307, 1316 (4th Cir. 1979). Similarly, Plaintiff cites no facts to show that the other parties for which he seeks recusal will be material witnesses in this case.

The Court recommends that the District Court deny the Motion as meritless.

SO RECOMMENDED, July 19, 2011.

  
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PAUL D. STICKNEY  
UNITED STATES MAGISTRATE JUDGE